

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:13CR355
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
DARRYL DALE ROBINSON,)	
)	
Defendant.)	

The Court has received the Revised Presentence Investigation Report ("PSR") in this case and the Defendant's "Objections to First Draft Presentence Report" (Filing No. 23). The government did not object to the PSR. The Defendant objects to Paragraphs 20, 21, 28, 68, and 80 which relate to the calculation of the base offense level and the corresponding guideline range. Also, the Defendant's filing briefly mentions factors that are a basis for a variance and indicates this will be discussed more fully in Defendant's Memorandum on Sentencing, but no such memorandum has been presented to the Court and the deadline to file any such memorandum (March 3, 2014) has passed. See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

IT IS ORDERED:

1. The Defendant's Objections to First Draft Presentence Report (Filing No. 23) will be heard at the sentencing hearing and the Court intends to adopt the parties' plea agreement;
2. The Court intends to adopt the PSR in all other respects;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 10th day of March, 2014.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge